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DAVID BRIAN TAYLOR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID BRIAN TAYLOR,

Defendant.

No. Cr. S-04-cr-399 TLN

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable TROY L. NUNLEY

Defendant, DAVID BRIAN TAYLOR, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On October 11, 2005, this Court sentenced Mr. Taylor to a total term of 216 months imprisonment, comprised of 120 months for Count 1 (a violation of 18 U.S.C. § 922(g)), 156 months on Count 2 (a violation of 21 U.S.C. § 841(a)(1)), to be served concurrently, and 60 months on Count 4 (a violation of 18 U.S.C. 924(c)(1)), to be served consecutively to Counts 1 and 2;

3. As to Counts 1 and 2, the combined total offense level was 25, the criminal history category was VI, and the resulting guideline range was 110 to 137 months. The sentencing court departed upward pursuant to U.S.S.G. § 4A1.3;

4. On December 30, 2013, this court reduced Mr. Taylor's sentence pursuant to the parties' stipulation under 18 U.S.C. § 3582(c)(2) and Amendment 748, to a total sentence of 198 months, comprised of 120 months on Count 1 and 138 months on Count 2, to be served concurrently, and 60 months on Count 4, to be served consecutively to Counts 1 and 2;

5. The sentencing range applicable to Mr. Taylor has subsequently been lowered by the United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014, see 79 Fed. Reg. 44,973;

5. Mr. Taylor's total offense level has been reduced from 25 to 17, and his amended guideline range is 51 to 63 months. Accounting for a comparable upward departure, a sentence comparable to the one he received initially produces a new term of 71 months. However, Mr. Taylor is subject to a mandatory minimum of 120 months on Count 2;

6. Accordingly, the parties request the Court enter the order lodged herewith reducing Mr. Taylor's term of imprisonment to a total term of 180 months, comprised of 120 months on Count 1 and 60 months on Count 2, to be served concurrently, and 60 months on Count 4, to be served consecutively to the terms on Counts 1 and 2. The parties agree that this sentence is sufficient, but not greater than necessary, to satisfy the purposes of sentencing set forth at 18 U.S.C. § 3553(a).

Respectfully submitted,

Dated: November 4, 2015

Dated: November 4, 2015

BENJAMIN B. WAGNER
United States Attorney

HEATHER E. WILLIAMS
Federal Defender

/s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney

/s/ Hannah R. Labaree
HANNAH R. LABAREE
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Defendant
DAVID BRIAN TAYLOR

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

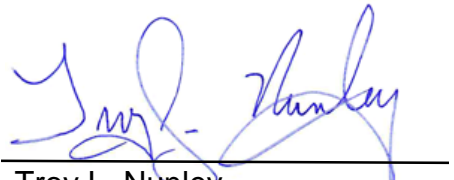
The parties agree, and the Court finds, that Mr. Taylor is entitled to the benefit Amendment 782, which reduces the offense level on Count 2 from 25 to 17, resulting in an amended guideline range of 51 to 63 months. He is subject to the statutory mandatory minimum of 120 months on Count 1 and 60 months on Count 2.

IT IS HEREBY ORDERED that the amended term of imprisonment imposed in December 2013 is reduced to a total term of 180 months, comprised of 120 months on Count 2, to be served concurrently, and 60 months on Count 4, to be served consecutively to the terms on Counts 1 and 2. This sentence is sufficient, but not greater than necessary, to satisfy the purposes of sentencing set forth at 18 U.S.C. § 3553(a).

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Taylor shall report to the United States Probation Office within seventy-two hours after his release.

Dated: November 5, 2015


Troy L. Nunley
United States District Judge